

**NEW YORK GATEWAY  
CONNECTIONS IMPROVEMENT PROJECT  
TO THE US PEACE BRIDGE PLAZA**

**Draft Design Report/Environmental  
Impact Statement**

**Draft Section 4(f) Evaluation (49 USC 303)**

**APPENDIX H – SECTION 106  
DOCUMENTATION**

**PIN 5760.80  
City of Buffalo  
Erie County, New York**

**November 15, 2013**



U.S. Department of Transportation  
Federal Highway Administration



New York State  
Department of Transportation



# **Appendix H**

## **Section 106 Documentation**

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# List of Abbreviations and Acronyms

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ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
CFR	Code of Federal Regulations
DEIS	Draft Environmental Impact Statement
E & E	Ecology and Environment, Inc.
EIC	Engineer-in-Charge
EPM	Environmental Procedure Manual
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
MCD	Minor Civil Division
MDS	Map Documented Structure
NRE	National Register Eligible
NRHP	National Register of Historic Places
NYSDOT	New York State Department of Transportation
NYSM	New York State Museum
NYSTA	New York State Thruway Authority
NYSOPRHP	New York State Office of Parks, Recreation and Historic Preservation
PR#	Project Review Number (NYSHPO)
ROW	Right-of-way
SHPO	State Historic Preservation Office

# 1

## Introduction

The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT), has prepared this Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA) for the New York Gateway Connections Improvement Project to the U.S. Peace Bridge Plaza (Project). The Project is located in the city of Buffalo, Erie County, New York. The Project was developed to address concerns centered on the use of local streets by cross-border traffic as it enters/exits the existing U.S. Border Port of Entry/Peace Bridge Plaza (Plaza). For this Project, the FHWA and NYSDOT are the NEPA joint lead agencies, and NYSDOT is the SEQRA lead agency.

The DEIS was prepared in accordance with the NYSDOT Project Development Manual, 17 NYCRR (New York Codes, Rules and Regulations) Part 15, and 23 CFR (Code of Federal Regulations) 771. The need, purpose, and objectives of the Project and the alternatives being considered are briefly described below. More detailed discussions concerning the Project, the environmental considerations, and options considered are provided in Chapters 1, 2, 3, 4, and 6 of the DEIS.

As a federal-aid project requiring federal approval, the Project is subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulation, 36 CFR Part 800. Under Section 106, federal agencies are required to take into account the effects of an undertaking on historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking. Consultation with the New York State Historic Preservation Officer (SHPO), federally recognized Indian tribes, and other designated Consulting Parties is required as part of the Section 106 Process.

This appendix contains documentation pertinent to the Section 106 consultation process. The Appendix is divided into the following sections:

- Section 2 – Update of Previously Inventoried Historic Properties, Archaeological Sensitivity, and Proposal for Archaeological Monitoring;
- Section 3 – Section 106 Finding Documentation
- Section 4 – Interagency Consultation/Correspondence

- Section 5 – Consulting Parties Consultation/Correspondence
- Section 6 – Consulting Parties Meeting Transcript

### **1.1 Where is the Project Located?**

The Project is located in the West Side neighborhood of the city of Buffalo, Erie County, New York. The Project area is adjacent to Front Park, which was designed by Frederick Law Olmsted as part of a citywide park and parkway system that opened in 1868; the Project also includes a small portion of the park (the existing Baird Drive). Major roadways in the Project area include the Niagara Thruway (Interstate 190, or I-190), Porter Avenue, Baird Drive, Busti Avenue, and the I-190 ramp connections to and from the Plaza.

### **1.2 Need, Purpose, and Objectives**

The primary need for the Project is to address the limited direct access between the Plaza and I-190. Existing direct access is limited and requires regional and international traffic to use the local street system. This limited direct access increases commercial traffic on the local streets, which were originally designed to only meet the needs of local traffic. An additional need was identified to address the structurally deficient Porter Avenue Bridge over I-190.

The purpose of this Project is to reduce the use of the local streets by interstate traffic (autos and trucks) and provide access to and from the existing Plaza at its current location.

The following objectives have been established to support the Project's purpose and need.

- Provide direct access from the Plaza to northbound I-190,
- Redirect through traffic from Front Park,
- Remove Baird Drive, and
- Replace the Porter Avenue Bridge over I-190 and CSX Railroad.

### **1.3 What Alternative(s) Are Being Considered?**

Based on the Project's need, purpose, and objectives, the following paragraphs briefly describe the alternatives that have been developed for study within this DEIS.

- **No-Build Alternative.** The No-Build Alternative assumes no improvements in the Project area other than those planned by others or implemented as part of routine maintenance. Although the No-Build Alternative does not meet the Project's purpose and need, NEPA requires that it be evaluated in the EIS. The No-Build Alternative also serves as the baseline condition against which the potential benefits and effects of the Build Alternative are evaluated.



- **Build Alternative.** The Build Alternative would construct a new ramp (Ramp D), providing direct access from the Plaza to northbound I-190. It would also construct a new ramp (Ramp PN) from Porter Avenue to the existing I-190 northbound exit-ramp (Ramp N/Ramp A) to the Plaza. The combination of these new ramps would allow the removal of Baird Drive from Front Park and conversion of the existing 1.8 acres of roadbed and sidewalk into additional green space. The removal of Baird Drive would permit 4.5 acres of green space located between Busti Avenue and Baird Drive to be reconnected to the greater park area. This alternative would require modifications to the Massachusetts Pumping Station access road, the Shoreline Trail bicycle/pedestrian facility along the waterfront, and four existing exit/entry ramps in the vicinity of the Plaza, as well as new signing in the vicinity of and within the Plaza to better direct vehicles to the appropriate ramps and routes.

Porter Avenue would be modified to include a roundabout or signalized intersection at 4th Street and the existing Ramp P and the proposed Ramp PN. Modifications along Porter Avenue would also include removal and replacement of the bridge over I-190 to optimize the traffic flow to the Plaza from I-190 northbound and allow for the construction of a new shared-use path along Porter Avenue to connect Front Park to LaSalle Park and the Niagara River waterfront.

The Shoreline Trail (Riverwalk) crossing over the CSX railroad would be relocated along a new alignment north of its existing location to accommodate construction of the new Ramp D. A new structure would be constructed over I-190 and the CSX railroad, and the realigned Shoreline Trail would then turn south along the Black Rock Canal. The new trail segment would extend directly along the waterfront before connecting to the existing Shoreline Trail south of its existing underpass beneath I-190.

# 2

## **Update of Previously Inventoried Historic Properties, Archaeological Sensitivity, and Proposal for Archaeological Monitoring**

# 3

## Section 106 Finding Documentation

### ATTACHMENTS

- A – Map showing APE and Identified Historic Properties
- B – Conceptual Plan
- C – Preliminary Plans and Profiles
- D – *Addendum Report: Archaeological Sensitivity and Proposal for Archaeological Testing and Monitoring*
- E – *Plan for Archaeological Monitoring during Construction* (DRAFT October 2013)
- F – Porter Avenue Bridge Evaluation (Bridge Abutments 2013)
- G – Summary of Consulting Party Comments

# 4

## **Interagency Consultation, Coordination, and Correspondence**

# 5

## Consulting Parties Consultation and Correspondence

# 6

## **Transcript from July 30, 2013 Consulting Parties Meeting**

Electronic Copy of the Transcript is available on a CD included with this appendix or upon request.

